

## ARTICLE IX

### ZONING

#### 9-1 ZONING DISTRICTS

In order to achieve the purposes of this Ordinance as set forth, all property within the jurisdiction of Elizabeth City is divided into districts with the designations and purposes listed in Sections 9-1.1 through 9-1.7. The minimum lot size specified for each zoning district in the descriptions below is the *general* requirement. Where public water and/or public sewer service is not available, a *larger* minimum lot size may be required by the applicable County Health Department, particularly if the lot is located within a designated public water supply watershed. See Article XII for specific requirements for properties located within a watershed protection overlay district.

##### 9-1.1 Residential Districts

###### (A) R-6 Residential District

The R-6 Residential District is primarily intended to accommodate a variety of medium density single-family detached dwellings, modular homes, two-family dwellings, and multi-family dwellings. Maximum densities within the R-6 District include approximately 7 dwelling units per gross acre for single-family detached dwellings, 9 dwelling units per gross acre for two-family residences, and 10 to 12 multi-family dwelling units per gross acre. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the medium density residential character of the R-6 District. Limited neighborhood-oriented convenience retail stores are permitted by special use permit.

###### (B) R-8 Residential District

The R-8 Residential District is primarily intended to accommodate a variety of moderate density single-family detached dwellings, modular homes, and two-family dwellings. Maximum densities within the R-8 District include approximately 5 dwelling units per gross acre for single-family detached dwellings and 7 dwelling units per gross acre for two-family residences. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the moderate density residential character of the R-8 District.

###### (C) R-10 Residential District

The R-10 Residential District is primarily intended to accommodate a variety of low density single-family detached dwellings, and modular homes. Maximum densities within the R-10 District include approximately 4 dwelling units per gross acre for single-family detached dwellings. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low density residential character of the R-10 District.

###### (D) R-15 Residential District

The R-15 Residential District is primarily intended to accommodate a variety of low density single-family detached dwellings, and modular homes. Maximum densities within the R-15 District include approximately 3 dwelling units per gross acre for single-family detached dwellings. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low density residential character of the R-15 District. Because much of the city's extraterritorial jurisdictional area is transitioning from a rural character to an urban character and is included within the R-15 District, some limited agricultural uses are also allowed within this district.

**(E) AD Apartment District**

The AD Apartment District is primarily intended to accommodate a variety of high density single-family detached dwellings, modular homes, two-family dwellings, and multi-family dwellings. Maximum densities within the AD District include approximately 7 dwelling units per gross acre for single-family detached dwellings, 9 dwelling units per gross acre for two-family residences, and 20 to 22 multi-family dwelling units per gross acre. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the high density residential character of the AD District.

**(F) RMH Residential Manufactured Home District**

The RMH Residential District is primarily intended to accommodate a variety of medium density single-family detached dwellings, modular homes, Class A manufactured homes, two-family dwellings, manufactured home parks (by special use permit), and manufactured homes on individual lots with manufactured home subdivisions. Maximum densities within the RMH District include approximately 7 dwelling units per gross acre for single-family detached dwellings, 9 dwelling units per gross acre for two-family residences, 7 manufactured homes per gross acre in manufactured home parks, and 5 manufactured homes per gross acre in manufactured home subdivisions. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the medium density residential character of the RMH District.

**9-1.2 Office and Institutional District**

**(A) O&I Office and Institutional District**

The O&I Office and Institutional District is primarily intended to accommodate office; public and institutional; business, professional, and personal services; limited support retail. The maximum density, minimum setbacks, and on-site parking requirements will be determined by the City Council. One of the objectives of this district is to encourage land uses which serve as a buffer as an adequate buffer between intensive nonresidential uses and residential uses.

**9-1.3 Business Districts**

**(A) CB Central Business District**

The CB Central Business District is primarily intended to accommodate a wide variety of commercial activities, particularly those that are pedestrian-oriented, in an intensive development pattern in the city's central business district (CBD). The regulations of this district are intended to preserve the general character and integrity of the current development in the CBD; encourage land uses which provide for a multi-purpose CBD including retail, offices, services, entertainment, institutional uses, and living space; encourage land uses which do not require large amounts of outdoor use areas; encourage common or shared off-street parking; and encourage the continued use of land for governmental activities.

*Amended September 12, 2005)*

**(B) NB Neighborhood Business District**

The NB Neighborhood Business District is established as a district in which to allow small, limited retail service land uses which provide goods and services primarily to surrounding residential neighborhoods. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

**(C) GB General Business District**

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale uses. Multi-family developments are also permitted within this district. The maximum residential density allowed within the GB District is approximately 10 to 12 multi-family dwelling units per gross acre.

**(D) HB Highway Business District**

The HB Highway Business District is established as a district in which to accommodate highway-oriented retail and commercial service businesses which generally have as their market area the entire city and surrounding region. The major objectives of this district are to encourage planned commercial and office parks, discourage small lot development along major highways, require vehicular access from service drives and other local commercial streets, and provide a location for major shopping facilities and commercial uses requiring large outdoor spaces. Since the uses permitted with this district are dependent upon vehicular traffic and are subject to the views of the motoring public, provisions for controlled traffic movement, ample parking and loading, and suitable landscaping are essential. Multi-family developments are also permitted within this district. The maximum residential density allowed within the HB District is approximately 10 to 12 multi-family dwelling units per gross acre.

**(E) CMU Causeway Mixed Use District**

The CMU Causeway Mixed Use District is established to accommodate water-related recreational use as well as other types of development which, by their nature, are best located in close proximity to the City's waterfront area. Since such uses are dependent upon vehicular and boat access and are subject to the view of the motoring and boating public, ample parking, loading and mooring, and suitable landscaping are essential. Insofar as this district is a highly visible focal point which serves as the eastern gateway to the City, permitted uses within the Causeway Mixed Use District are intended to be grouped or clustered in order to support and complement each other in use and water orientation. A major objective of this district is to minimize disturbance of the natural ecosystem and visual resources while providing uses with ready access to the Causeway and Pasquotank River. Multi-family developments are also permitted within this district. The maximum residential density allowed within the CMU District is approximately 10 to 12 multi-family dwelling units per gross acre.

**9-1.4 Industrial Districts**

**(A) I-1 Light Industrial District**

The I-1 Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining properties.

**(B) I-2 General Industrial District**

The I-2 General Industrial District is primarily intended to accommodate a wide range of assembling, fabricating, manufacturing uses, and support retail and service uses. The I-2 District is established for the purpose of providing appropriate locations and development regulations for uses which may require special measures to ensure compatibility with adjoining properties.

### 9-1.5 Planned Unit Development Districts

- (A) Planned Unit Development Districts are intended to accommodate a variety of housing types and limited retail, professional services, and office uses developed on large tracts in accordance with a unified development plan. Two Planned Unit Development Districts are established. The **Planned Unit Development-Residential District (PUD-PDR)** is intended to accommodate only residential development which includes varied lot sizes and housing types as well as related support recreational, educational, and institutional uses. The PUD-PDR will permit single-family detached, two-family, townhouse, and multi-family dwellings at an average overall density as approved by the City Council on a case-by-case basis. The **Planned Unit Development-Mixed Use District (PUD-PDM)** is intended to accommodate a mix of the residential uses allowed within a PUD-PDR and limited retail, professional and personal services, office, and related support recreational, educational, and institutional uses.
- (B) Rezoning procedures, master plan approval procedures, unified development plan approval procedures, and specific development standards for planned developments within PUD-PDR and PUD-PDM Districts are delineated in Section 9-10.

### 9-1.6 Conditional Zoning Districts

In addition to the general use zoning districts established in Sections 9-1.1 through 9-1.4, a corresponding Conditional Zoning District, bearing the designation 'CZ', may be established in accordance with the provisions of Section 8-7. Accordingly, the following Conditional Zoning Districts may be designated upon approval by the City Council of a petition by the property owners to establish a Conditional Zoning District:

R-6(CZ), R-8(CZ), R-10(CZ), R-15(CZ), AD(CZ), RMH(CZ), O&I(CZ), CB(CZ), NB(CZ), GB(CZ), HB(CZ), CMU(CZ), I-1(CZ), and I-2(CZ)

The petitioner may request a modification in the Unified Development Ordinance regulations which apply to the corresponding general zoning district. If no request is presented, all regulations which apply to a general use zoning district shall apply to the corresponding Conditional Zoning District. All other conditions which may be offered by the property owner and mutually approved by the City Council as part of the rezoning process shall also apply.

*(Section 9-1.6 Amended by City Council 11/26/2012)*

### 9-1.7 Overlay Districts

Overlay Districts establish certain area regulations which are in addition to those of the underlying general use or Conditional Zoning districts. Property within a designated overlay district may be used in a manner permitted in the underlying general use or Conditional Zoning District only if and to the extent such use is also permitted in the applicable overlay district.

*(Section 9-1.7 Amended by City Council 11/26/2012)*

#### (A) FHO Flood Hazard Overlay District

The FHO Flood Hazard Overlay District is intended to set forth regulations which will protect people and property from the hazards of flooding. These regulations are specified in Section 12-2.

#### (B) AO Airport Overlay District

The AO Airport Overlay District is intended to protect the Elizabeth City-Pasquotank County Regional Airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The additional regulations governing development within the AO District are delineated in Section 12-6.

**(C) WPO Watershed Protection Overlay Districts**

The Watershed Protection Overlay Districts are intended to establish regulations for the protection of public drinking water supplies. The watershed protection overlay districts consist of two separate districts: the WCA Overlay District and the WPA Overlay District.

- (1) The **WCA Watershed Protection Overlay District** consists of that portion of the Pasquotank River public water supply watershed designated by the NC Environmental Management Commission which is located within the Elizabeth City planning jurisdiction and which is located one-half mile upstream from a public water supply intake located directly in the Pasquotank River or the ridge line of the watershed, whichever comes first.
- (2) The **WPA Watershed Protection Overlay District** consists of those portion of the Pasquotank River public water supply watersheds designated by the NC. Environmental Management Commission which are located within the Elizabeth City planning jurisdiction and which are located within 10 miles upstream from and draining to the public water supply intake on the Pasquotank River or to the ridge line of the watershed, whichever comes first.

The boundaries of the areas included in the watershed overlay districts are delineated on the official Zoning Map as defined in Section 9-2. Supplementary watershed overlay district standards are delineated in Section 12-1.

**(D) HCO Highway Corridor Overlay District**

The Highway Corridor Overlay District is established to provide specific appearance and operational standards for major highway corridors in Elizabeth City while accommodating development along the corridors. The manner in which land uses impact a major highway corridor, interchange ramps, and feeder streets is of particular concern in this overlay district. Within the HCO, detailed landscaping requirements and access control plans are required.

The HCO shall include the existing or proposed right-of-way of specified highway corridors. In general, district boundaries shall follow the property lines of parcels abutting the corridor and identifiable geographic features. Supplementary Highway Corridor Overlay district standards delineated in Section 12-7.

**(E) HD Historic District Overlay**

The Historic District Overlay Districts are established as overlay districts for all general zoning districts that contain structures or other facilities of historic significance. The purpose of these districts is to protect and conserve the heritage and character of Elizabeth City by providing for the preservation of designated areas within the planning jurisdiction. The Historic District Overlay Districts consists of two separate districts: the Downtown Historic District Overlay and the West Main Street Historic District Overlay.

No new historic districts nor any change to the boundaries of any existing historic district shall be designated until the North Carolina Department of Cultural Resources shall have been given an opportunity, in accordance with Chapter 160A, Part 3A of the NC General Statutes, to make recommendations with respect to the establishment of such new district or change in the boundaries of an existing district. The additional regulations governing land development within the Historic District Overlay Districts are delineated in Section 12-8.

**(F) NCO Neighborhood Conservation District Overlay**

The Neighborhood Conservation Overlay District is intended to preserve and enhance the general quality and appearance of older neighborhoods, for it is recognized that built environmental characteristics are a major part of the identity and positive image of the City of Elizabeth City. Through the regulation of street design, greenways, rights-of way and built environmental characteristics, the Neighborhood Conservation District stabilizes and improves property values and promotes local design qualities. By respecting the context of

existing built environmental characteristics, the Neighborhood Conservation Overlay District reduces conflicts between new construction and existing development, and it encourages compatible infill development. The additional regulations governing land development within the Neighborhood Conservation District are delineated in Section 12-9.

**(G) Halstead Boulevard Extension Overlay District (HBEOD)**

The Halstead Boulevard Extension Overlay District is established to provide appearance and operational standards for the Halstead Boulevard Extension Corridor in Elizabeth City and in its extra territorial jurisdiction. The highway's broad right-of-way, restricted driveway access and undeveloped land offers a significant opportunity to establish a grand entranceway into the city. This overlay district is generally bound by U.S. 17 bypass on the west, Well Field Road on the north, Southern Railroad on the south and Knobb's Creek (excluding Oxford Heights) to the east. (Illustrated on the city zoning map.)

The manner in which land uses impact this corridor, designated access streets and internal street patterns is of major concern in this overlay district. Within the HBEOD, detailed landscaping requirements, access control plans, residential and shopping center standards are required. Supplemental Halstead Boulevard Extension Overlay District standards are delineated in section 12-10.

*(Amended 4-24-2006)*



## **9-2 ESTABLISHMENT OF OFFICIAL ZONING MAP**

### **9-2.1 Official Zoning Map**

The Elizabeth City Planning and Zoning Jurisdiction is hereby divided into zones, or districts, as established in Section 9-1. The official zoning map is the latest copy of the digitized zoning map as produced and maintained by the Elizabeth City Department of Planning and Community Development.

### **9-2.2 Map Certification**

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City of Elizabeth City, together with the effective date of this Ordinance.

### **9-2.3 Map Changes**

If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. Amendments to the Official Zoning Map shall be made utilizing the same procedures that apply to text amendments, as set forth in Article VIII. Specific public hearing notice requirements are, however, delineated in Article VIII for map amendments.

### **9-2.4 Unauthorized Changes**

No changes in zoning district boundaries shall be made on the Official Zoning Map, except in conformance with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance.

### **9-2.5 Map Location**

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Elizabeth City Department of Planning and Community Development, shall be the final authority as to the current zoning of property within the City's planning jurisdiction.

### **9-2.6 Map Damage and Replacement**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a replacement Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

### **9-2.7 Replacement of Official Zoning Map**

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The replacement Official Zoning Map shall be identified by the signature of the Mayor, be attested by the City Clerk, and bear the seal of the City of Elizabeth City.

## 9-3 PERMITTED USES

### 9-3.1 Permitted Use Table

- (A) **Table of Permitted Uses:** Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses, Table 9-3-1. In the appropriate columns of Table 9-3-1 uses permitted by right in the various districts are indicated by a 'Z', uses permitted by right subject to meeting additional development standards set forth in Article XI (Development Standards) are indicated with a 'D', uses requiring a Special Use Permit from the Board of Adjustment are indicated by an 'S', and uses requiring a Council Use Permit from the City Council are indicated by a 'C'.  
(Amended April 26, 2021)

### B) Formulation of Permitted Use Table

- (1) The *Standard Industrial Classification Manual - 1987* was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Administrator. SIC codes are used to refer to SIC Classifications. Entries with 0000 in the Reference SIC column do not correspond to any classification in the *SIC Manual*.
- (2) When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. The *SIC Manual* shall serve as a guide in classifying any unlisted use. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.
- (3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.
- (4) If an industrial plant or facility involves two (or more) manufacturing activities with different SIC codes on the same zone lot, the industrial plant shall be permitted only in those zoning districts where the more restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.)

### 9-3.2 Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, no zoning, special use, or conditional use permit is necessary for the following uses:

- (A) Streets.
- (B) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right of way.
  - (1) A special use permit if any of the principal uses combined requires a special use permit.
  - (2) A conditional use permit if any of the principal uses combined requires a conditional use permit.
  - (3) A zoning permit in all other cases.

### 9-3.3 Change in Use

- (A) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
  - (1) The change involves a change from one principal use category to another.
  - (2) If the original use is a combination use, the relative proportion of space devoted to the



individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered.

- (3) If the original use is a combination use, the mixtures of types of individual principal uses that comprise the combination use changes.
  - (4) If the original use is a planned unit development, the relative proportions of different types of dwelling units change.
  - (5) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.
- (B) A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
- (C) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

9-3-1 Elizabeth City UDO Table of Permitted Uses (September 13,1999)																	
	Ref.	Zoning Districts															
Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>AGRICULTURAL USES</b>																	
Agricultural Production (crops)	0100				Z												
Agricultural Production (livestock), except Animal Feeder/Breeder Operations	0200				Z												
Animal Aquaculture	0273				Z										Z		
Animal Feeder/Breeder Operation	0000														C		
Fish Hatchery	0920				Z										Z		
Forestry	0810														Z		
<b>MINING USES</b>																	
Mining, Quarrying, Sand Pits, and Mineral Extraction	1000														C		
<b>RESIDENTIAL USES</b>																	
Bed and Breakfast	7011	S	S	S	S	D		D		D		D	D			D	D
Boarding and Rooming House	7021	S	S	S	S	S		S		S			S				
Congregate Care Facility	0000									S	S						
Family Care Home	0000	Z	Z	Z	Z	Z	Z									Z	Z
Group Care Facility	0000					S	S			S							
Homeless Shelter	0000	S	S	S	S					C							
Manufactured Home Park	0000						S										
Manufactured Home, Class A	0000						Z										
Manufactured Home, Class B	0000						D										
Manufactured Home, Class C	0000						D										
Modular Home	0000	Z	Z	Z	Z	Z	Z			Z			Z			Z	Z
Multifamily Dwelling (inc. condominium) (Amended 5/6/02)	0000	D				D		C	D	C*	D	D	C*			D	D
Planned Unit Development	0000															S	S
Single-Family Detached Dwelling (Amended 6/3/02)	0000	Z	Z	Z	Z	Z	Z	Z <sup>+</sup>		Z			Z			Z	Z
Temporary Shelter	0000	C				C		C	C	C	C	C	C		C		
Townhouse Dwelling (Amended 5/6/02)	0000	D				D		C		C*			C*			D	D
Two-Family Conversion	0000	D	D			D	D	D		D			D			D	D
Two-Family Dwelling (duplex)	0000	Z	Z			Z	Z			Z			Z			Z	Z

Z = Use permitted by right

C = Requires Council Use Permit from City Council

D = Use permitted by right with development standards

S = Requires Special Use Permit from the Board of Adjustment

	Ref.	Zoning District															
Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>ACCESSORY USES AND STRUCTURES</b>																	
Accessory Dwelling Unit	0000	D	D	D	D	D				D			D			D	D
Accessory Uses and Structures (customary)	0000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Caretaker Dwelling	0000	D	D	D	D	D	D	D		D			D			D	D
Communication Facility with Stealth up to 40' in Height	4812	D	D	D	D	D	D	D	D	D	D	D	D	D	D		
Communication Facility with Stealth 40' to 60' in Height	4812				D									D	D		
Communication Facility Over 60' in Height, with or without Stealth, or any Radio or Television Tower	4812				S									S	S		
Emergency Shelter	0000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Home Occupation	0000	D	D	D	D	D	D	D		D		D	D			D	D
Portable On-Demand Storage Containers (POD) (Added 12/12/12)	0000	Z	Z	Z	Z	Z										Z	Z
Satellite Dish Antenna	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Swimming Pool	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
<b>RECREATIONAL USES</b>																	
Amusement or Water Parks, Fairgrounds	7996							C	Z		Z				Z		
Athletic Fields	0000	C	C	C	C	C	C	Z	Z	Z	Z	Z	Z	Z	Z	C	C
Auditorium, Coliseum or Stadium	0000								C	C							
Batting Cages	7999								S		S				Z		
Billiard Parlor	7999							S	S		S	S					
Bingo Games	7999								S		S						
Bowling Center	7933								Z		Z						
Club	8640	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z			Z	Z
Coin-Operated Amusement, except Adult Arcade	7993							Z	Z		Z	Z	Z				
Country Club with Golf Course	7997	S	S	S	S	S	S			S						S	S
Dance School, Music Instruction	7911							Z	Z	Z	Z						
Fortune Tellers, Astrologers	7999								Z		Z						
Go-Cart Raceway	7999								S		S				S		
Golf Course	7992	S	S	S	S	S	S		Z	S						S	S
Golf Course, Miniature	7999								S		S		S				
Golf Driving Range	7999								S		S						

Z = Use permitted by right

C = Requires Council Use Permit from City Council

D = Use permitted by right with development standards

S = Requires Special Use Permit from the Board of Adjustment

	Ref.	Zoning District															
Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>RECREATIONAL USES (CONT.)</b>																	
Internet Sweepstakes Café/Electronic Gaming	7999								C		C						
Physical Fitness Center	7991							Z	Z	Z	Z	Z		Z	Z	Z	Z
Private Campground/RV Park	7033				S				D		D		D				
Private Tourist Guide Services (Added 1/12/09)	7999	C	C	C	C			Z	Z	Z	Z						
Private Club or Recreation Facility, Other (Membership)	7997				S			S	Z	S	Z					S	S
Public Park or Recreational Facility, Other	7990	D	D	D	D	D	D	Z	Z	Z	Z	Z	Z	Z	Z	D	D
Race Track Operation	7948														S		
Riding Academy	7999				D												
Shooting Range, Indoor	7999								D						D		
Shooting Range, Outdoor	7999														C		
Skating Rink	7999								Z		Z						
Sports and Recreation Club, Indoor	7997							Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Swim and Tennis Club	7997	S	S	S	S	S	S	D		D			D			D	D
<b>EDUCATIONAL AND INSTITUTIONAL USES</b>																	
Ambulance Service	4119							Z	Z	Z	Z			Z	Z		
Cemetery or Mausoleum	0000	S	S	S	S			Z	Z	Z	Z						
Cemetery or Mausoleum on Same Property as Church	0000	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z			S	S
Church or Other Place of Worship	8661	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z			S	S
College, University, Technical Institute	8220									C				C			
Correctional Institution	9223									C					C		
Day Care Center, Adult and Child	8322	D	D	D	D	D	D	Z	Z	Z	Z	Z	Z	D	D	D	D
Fire Station/Emergency Medical Service	9224	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Government Office	9000	C	C	C	C	C	C	Z	Z	Z	Z						
Hospital	8062								Z	Z	Z						
Library	8231	D	D	D	D	D	D	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Museum or Art Gallery	8412							Z	Z	Z	Z	Z				Z	Z
National Guard /Military Reserve Center	0000								Z		Z			Z	Z		
Nursing and Convalescent Home	8050	S	S	S	S	S	S	Z	Z	Z	Z	Z				S	S
Orphanage	8361				S					Z							
Police Station	9221	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Post Office	0000							Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

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	Ref.	Zoning District															
Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>EDUCATIONAL AND INSTITUTIONAL USES (CONT.)</b>																	
Psychiatric Hospital	8063									Z							
Retreat Center	0000				S					Z			Z			S	S
School Administration Facility	9411							Z	Z	Z	Z			Z	Z		
School, Elementary or Secondary	8211	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Technical Schools & Colleges w/o Dormitories	8249							C	C								
Accounting, Auditing or Bookkeeping	8721							Z	Z	Z	Z	Z		Z			Z
Vocational, Business or Secretarial School	8240								Z	Z	Z			Z			
<b>BUSINESS, PROFESSIONAL and PERSONAL SERVICES</b>																	
Administrative or Management Services	8740							Z	Z	Z	Z	Z		Z			Z
Advertising, Outdoor Services	7312								Z		Z				Z		
Automobile Parking (Commercial)	7521							Z	Z	Z	Z	Z	Z				
Automobile Rental or Leasing	7510								Z		Z		Z		Z		
Automobile Repair Services	0000								D					D	Z		
Automobile Towing Services	7549								Z						Z		
Bank, Savings and Loan, or Credit Union	6000							Z	Z	Z	Z	Z	Z	Z	Z		Z
Banquet/Reception Hall, Commercial (Added 6/10/13)	6512							D	D		D		D				
Barber Shop	7241							Z	Z	Z	Z	Z	Z	Z	Z		Z
Beauty Shop	7231							Z	Z	Z	Z	Z	Z	Z	Z		Z
Blacksmith	7699				Z				Z						Z		
Boat Repair	3730								Z				Z		Z		
Building Maintenance Services, No Outside Storage	7349							Z	Z	Z	Z			Z	Z		
Car Wash	7542								Z		Z		Z		Z		
Clothing Alteration or Repair	0000							Z	Z	Z	Z	Z					
Computer Maintenance and Repair	7378							Z	Z	Z	Z			Z	Z		
Computer Services	7370							Z	Z	Z	Z			Z			
Crematorium	7261								Z						Z		
Employment Agency, Personnel Agency	7360							Z	Z	Z	Z			Z			Z
Engineering, Architect or Survey Service	8710							Z	Z	Z	Z	Z		Z			Z
Equipment Rental and Leasing (no outside storage)	7350								Z		Z			Z	Z		
Equipment Rental and Leasing (with outside storage)	7350								Z						Z		

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<b>BUSINESS, PROFESSIONAL and PERSONAL SERVICES (CONT.)</b>																	
Equipment Repair, Heavy	7690														Z		
Equipment Repair, Light	7690								Z						Z		
Finance or Loan Office	6100							Z	Z	Z	Z	Z					Z
Funeral Home	7261							Z	Z	Z	Z						
Furniture Refinishing	7641								Z		Z	Z			Z		
Furniture Repair Shop	7641								Z		Z	Z			Z		
Hotel or Motel, except Adult Motel	7011							Z	Z	Z	Z		Z				Z
Insurance Agency	6411							Z	Z	Z	Z	Z		Z			Z
Kennels or Pet Grooming	0752				D				D		D			Z	Z		
Landscape and Horticultural Services	0780				Z				Z		Z			Z	Z		
Laundromat, Coin-Operated	7215							Z	Z		Z	Z	Z	Z			Z
Laundry or Dry Cleaning Plant	7211							Z	Z		Z	Z			Z		
Law Office	8111							Z	Z	Z	Z	Z		Z			Z
Medical or Dental Laboratory	8071								Z					Z			
Medical, Dental or Related Office	8000							Z	Z	Z	Z	Z		Z			Z
Miscellaneous Services, Not Listed	7699								Z						Z		
Motion Picture Production	7810								Z					Z	Z		
Office Uses Not Otherwise Classified	0000								Z	Z					Z		
Pest or Termite Control Services	7342								Z						Z		
Pet Cemetery/Crematorium	6553				S				Z						Z		
Photocopying and Duplicating Services	7334							Z	Z	Z	Z	Z		Z			Z
Photofinishing Laboratory	7384								Z					Z	Z		
Photography, Commercial Studio	7335							Z	Z	Z	Z	Z		Z			Z
Real Estate Office	6500							Z	Z	Z	Z	Z		Z			Z
Refrigerator or Large Appliance Repair	7623								Z		Z			Z	Z		
Research, Development or Testing Services	8730								Z		Z			Z	Z		
Shoe Repair or Shoeshine Shop	7251							Z	Z	Z	Z	Z		Z			Z
Taxidermist	7699				Z				Z						Z		
Television, Radio or Electronics Repair	7620							Z	Z	Z	Z	Z		Z			
Theater (indoor), except Adult Theater	7832							Z	Z	Z	Z			Z			
Theater (outdoor)	7833								Z		Z						
Tire Recapping	7534								Z		Z				Z		
Truck and Utility Trailer Rental and Leasing	0000								Z		Z				Z		

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Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>BUSINESS, PROFESSIONAL and PERSONAL SERVICES (CONT.)</b>																	
Truck Driving School	8249													Z	Z		
Truck Washing	7542								Z						Z		
Veterinary Clinic	0742				D				Z	D	Z			Z	Z		
Vocational, Business or Secretarial School	8240								Z	Z	Z			Z			
<b>RETAIL TRADE</b>																	
ABC Store (liquor)	5921							Z	Z		Z	-	Z	Z			Z
Antique Store	5932							Z	Z	Z	Z	Z		Z			
Appliance Store	5722								Z		Z			Z			
Arts and Crafts	0000							Z	Z	Z	Z	Z	Z	Z			Z
Auto Supply Sales	5531								Z		Z	Z		Z	Z		
Bakery	5461							Z	Z	Z	Z	Z	Z	Z	Z		Z
Bar, Night Club, Tavern	5813							S	S		S	S	S	S			S
Boat Sales	5551								Z		Z		Z		Z		
Bookstore, except Adult Bookstore	5942							Z	Z	Z	Z	Z	Z	Z			Z
Brewpub <i>(Added 1/4/17; Amended 2/22/21)</i>	5813							S	S		S			S			S
Building Supply Sales	5211								Z		Z				Z		
Computer Sales	5734							Z	Z	Z	Z			Z			
Convenience Store	5411	S						Z	Z		Z	D	Z	Z	Z		D
Department, Variety or General Merchandise	5300							Z	Z		Z						
Drugstore	5912							Z	Z	Z	Z	Z	Z	Z			
Fabric or Piece Goods Store	5949							Z	Z		Z			Z			
Farm Supplies and Equipment	0000								Z		Z				Z		
Floor Covering, Drapery or Upholstery	5710								Z		Z			Z			
Florist	5992							Z	Z	Z	Z	Z					
Food Store	5400							Z	Z		Z	Z	Z	Z		Z	
Fuel Oil Sales	5980								Z					Z	Z		
Furniture Sales	5712								Z		Z			Z			
Garden Center or Retail Nursery	5261								Z		Z			Z			
Hardware Store	5251							Z	Z		Z	Z		Z			
Home Furnishings, Miscellaneous	5719								Z		Z	Z		Z			
Manufactured Home Sales	5271								Z		Z				Z		
Microbrewery <i>(Added 1/4/17 – Amended 2/22/21)</i>	5813							S	S		S			S			S

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Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>RETAIL TRADE (CONT.)</b>																	
Miscellaneous Retail Sales	5999							Z	Z		Z						
Motor Vehicle Sales (new and used)	5511							C*	Z		Z			Z			
Motorcycle Sales	5571								Z		Z			Z			
Musical Instrument Sales	5736							Z	Z	Z	Z	Z					
Newsstand	5994							Z	Z	Z	Z	Z	Z				Z
Office Machine Sales	5999							Z	Z	Z	Z			Z			
Optical Goods Sales	5995							Z	Z	Z	Z	Z					
Outdoor Café (Amended 01/24/05)	000							D									
Paint and Wallpaper Sales	5231							Z	Z		Z			Z			
Pawnshop	5932							C	C		C	C		C			
Pet Store	5999							Z	Z		Z	Z					
Record and Tape Store	5735							Z	Z		Z	Z					Z
Recreational Vehicle Sales	5561								Z		Z			Z			
Restaurant (with drive-thru)	5812								Z		Z	Z		Z	Z		Z
Restaurant (without drive-thru)	5812							Z	Z	Z	Z	Z	Z	Z			Z
Salvage Yards, Motor Vehicle Parts	5015														S		
Service Station, Gasoline Sales	5541							D	Z		Z	D	D	Z	Z		D
Sporting Goods Store, Bicycle Shop	5941							Z	Z		Z	Z		Z			
Tire Sales	5531								Z			Z		Z	Z		
Truck Stop	5541								Z						Z		
Used Merchandise Store, except Pawnshop	5932							Z	Z		Z	Z		Z			
<b>WHOLESALE TRADE</b>																	
Video Tape Rental and Sales, except Adult Video Store	7841							Z	Z		Z	Z	Z				Z
Agricultural Chemicals, Pesticides or Fertilizers	5191														Z		
Agricultural Products, Other Including Tobacco Auction Warehousing	5159														Z		
Ammunition	5099														Z		
Animals and Animal Products, Other	5159														Z		
Apparel, Piece Goods and Notions	5130								Z					Z	Z		
Beer, Wine or Distilled Alcoholic Beverages	5180								Z					Z	Z		
Books, Periodicals and Newspapers	5192								Z					Z	Z		
Chemicals and Allied Products	5169														Z		

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Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>WHOLESALE TRADE (CONT.)</b>																	
Drugs and Sundries	5122								Z					Z	Z		
Durable Goods, Other	5099													Z	Z		
Electrical Goods	5060													Z	Z		
Farm Supplies, Other	5191														Z		
Flowers, Nursery Stock and Florist Supplies	5193								Z					Z	Z		
Forest Products	5099														Z		
Furniture and Home Furnishings	5020													Z	Z		
Grain and Field Beans	5153														Z		
Groceries and Related Products	5140													Z	Z		
Hardware	5072													Z	Z		
Jewelry, Watches, Precious Stones and Metals	5094								Z					Z	Z		
Livestock	5154														Z		
Lumber and Other Construction Materials	5030														Z		
Lumber, Millwork and Veneer	5031														Z		
Machinery, Construction and Mining	5082														Z		
Machinery, Equipment and Supplies	5080														Z		
Machinery, Farm and Garden	5083														Z		
Market Showroom (furniture, apparel, etc.)	0000								Z					Z	Z		
Metals	5051														Z		
Minerals	5052														Z		
Miscellaneous Wholesale Not Elsewhere Classified	5199														Z		
Motor Vehicles	5012														Z		
Motor Vehicles, Parts and Supplies	5010								Z					Z	Z		
Motor Vehicles, Tires and Tubes	5014								Z					Z	Z		
Paints and Varnishes	5198													Z	Z		
Paper and Paper Products	5110													Z	Z		
Petroleum and Petroleum Products	5170														Z		
Plastic Materials	5162													Z	Z		
Plumbing and Heating Equipment	5070								Z					Z	Z		
Professional and Commercial Equipment and Supplies	5040								Z					Z	Z		

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Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>WHOLESALE TRADE (CONT.)</b>																	
Recycling Materials Collections/Processing Operation	5093														S		
Resins	5162														Z		
Salvage Yards, Motor Vehicle Parts	5015														S		
Scrap and Waste Materials (Ref Wholesale Recycling Materials collection/processing operation) (Amended 3/36/12)	5093														S		
Sporting and Recreational Goods and Supplies	5091								Z					Z	Z		
Tobacco and Tobacco Products	5194								Z					Z	Z		
Toys and Hobby Goods and Supplies	5092								Z					Z	Z		
Wallpaper and Paint Brushes	5198								Z					Z	Z		
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES</b>																	
Airport or Air Transportation Facility	4500									C					C		
Bulk Mail and Packaging	4212								Z					Z	Z		
Bus Terminal	4100							Z	Z		Z	Z		Z	Z		
Communication or Broadcasting Facility	4800								Z					Z	Z		
Communication Tower Over 60' in Height, With or Without Stealth, or any Radio or Television Tower	4800				S									S	S		
Communication Facility With Stealth 40' to 60' in Height	4800				D									D	D		
Communication Facilities with Stealth up to 40' in Height	4800	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Courier Service	4215								Z		Z			Z	Z		
Demolition Debris Landfill	0000														C		
Farm Product Warehousing and Storage	4221														Z		
Hazardous and Radioactive Waste (transportation, storage and disposal)	4953														C		
Heliport	4522									C					C		
Landing Strip, Flying Field	0000				C												
Marina	4493							S	S	S	S	S	S	S	S	S	S
Moving and Storage Service	4214								Z					Z	Z		
Outside Bulk Storage	0000								Z						Z		
Railroad Terminal or Yard	4010														Z		

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Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES (CONT.)</b>																	
Refrigerated Warehousing	4222													Z	Z		
Refuse and Raw Material Hauling	4212														S		
Sewage Treatment Plant	4952				C				C	C	C	C	C	C	C		
Solid Waste Disposal (non-hazardous)	4953														C		
Taxi Terminal	4121							Z	Z		Z	Z	Z	Z	Z		
Trucking or Freight Terminal	4213														Z		
Utility Company Office	0000							Z	Z	Z	Z	Z		Z	Z		
Utility Equipment and Storage Yards	0000								Z					Z	Z		
Utility Lines	0000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Utility Related Appurtenances, Substation	0000	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility Service Facility (no outside storage)	0000								Z					Z	Z		
Warehouse (general storage, enclosed)	4220								Z					Z	Z		
Warehouse (self-storage)	4225								Z		Z			Z	Z		
Water Treatment Plant	0000				C				C	C	C	C	C	C	C	C	C
<b>MANUFACTURING and INDUSTRIAL USES</b>																	
Aircraft and Parts	3720														Z		
Ammunition, Small Arms	3482														S		
Animal Feeds (including dog and cat)	2048														Z		
Animal Slaughter or Rendering	0000														S		
Apparel and Finished Fabric Products	2300													Z	Z		
Arms and Weapons	3480													Z	Z		
Asbestos, Abrasive and Related Products	3290														Z		
Asphalt Plant	2951														Z		
Audio, Video and Communications Equipment	3600													Z	Z		
Bakery Products	2050													Z	Z		
Batteries	3691														Z		
Beverage Products (alcoholic)	2080														Z		
Beverage Products (nonalcoholic)	2086													Z	Z		
Bicycle Assembly, Parts and Accessories	3751													Z	Z		
Boat and Ship Building	3730													Z	Z		
Brooms and Brushes	3991													Z	Z		
Burial Caskets	3995													Z	Z		

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<b>MANUFACTURING and INDUSTRIAL USES (CONT.)</b>																	
Chemicals, Paints and Allied Products	2800														Z		
Coffee	2095													Z	Z		
Computer and Office Equipment	3570													Z	Z		
Concrete, Cut Stone and Clay Products	3200														Z		
Contractors (no outside storage)	0000								Z					Z	Z		
Contractors, General Building	1500													Z	Z		
Contractors, Heavy Construction	1600														Z		
Contractors, Special Trade	1700													Z	Z		
Costume Jewelry and Notions	3960													Z	Z		
Dairy Products	2020													Z	Z		
Drugs	2830													Z	Z		
Electrical Components	3670													Z	Z		
Electrical Equipment	3600													Z	Z		
Electrical Industrial Apparatus, Assembly	3620													Z	Z		
Electrical Industrial Apparatus, Manufacturing	3620														Z		
Explosives	2892														S		
Fabricated Metal Products	3400														Z		
Fabricated Valve and Wire Products	3490														Z		
Fats and Oils, Animal	2077														Z		
Fats and Oils, Plant	2070														Z		
Fish, Canned, Cured or Frozen	2091														Z		
Floor Coverings (excluding carpet)	3996													Z	Z		
Food and Related Products, Miscellaneous	2090													Z	Z		
Furniture and Fixtures	2500													Z	Z		
Furniture and Fixtures Assembly	0000													Z	Z		
Furniture Framing	2426													Z	Z		
Glass	3200														Z		
Ice	2097								Z					Z	Z		
Industrial and Commercial Machinery	3500														Z		
Jewelry and Silverware (no plating)	3910													Z	Z		
Leather and Leather Products (no tanning)	3100													Z	Z		
Leather and Leather Products (tanning)	3100														Z		

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<b>MANUFACTURING and INDUSTRIAL USES (CONT.)</b>																	
Lighting and Wiring Equipment	3640													Z	Z		
Glass Products from Purchased Glass	3231													Z	Z		
Grain Mill Products	2040														Z		
Heating, Equipment and Plumbing Fixtures	3430													Z	Z		
Household Appliances	3630													Z	Z		
Manufactured Housing and Wood Buildings	2450													Z	Z		
Measurement, Analysis and Control Instruments	3800													Z	Z		
Meat and Poultry, Packing and Processing (no rendering)	2010														Z		
Medical, Dental and Surgical Equipment	3840													Z	Z		
Metal Coating and Engraving	3470														Z		
Metal Fasteners (screws, bolts, etc.)	3450														Z		
Metal Processing	3350														Z		
Millwork, Plywood and Veneer	2430														Z		
Misc. Manufacturing Industries, not elsewhere listed	0000														Z		
Motor Vehicle Assembly	3710														Z		
Motor Vehicle Parts and Accessories	3714														Z		
Motorcycle Assembly	3751														Z		
Musical Instruments	3930													Z	Z		
Paper Products	2670														Z		
Paperboard Containers and Boxes	2650														Z		
Pens and Art Supplies	3950													Z	Z		
Petroleum and Related industries	2900														Z		
Pharmaceutical Preparations	2834													Z	Z		
Photographic Equipment	3861													Z	Z		
Photographic Supplies	3861													Z	Z		
Pottery and Related Products	3260														Z		
Preserved Fruits and Vegetables (no can manufacture)	2030													Z	Z		
Primary Metal Products and Foundries	3300														Z		
Printing and Publishing	2700							Z	Z		Z			Z	Z		
Pulp and Paper Mills	2610														Z		

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Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>MANUFACTURING and INDUSTRIAL USES (CONT.)</b>																	
Rubber and Plastics, Miscellaneous	3000													Z	Z		
Salvage Yards, Auto Parts	5015														S		
Sawmill or Planting Mills	2420														Z		
Signs	3993													Z	Z		
Soaps and Cosmetics	2840													Z	Z		
Sporting Goods and Toys	3940													Z	Z		
Sugar and Confectionery Products	2060													Z	Z		
Surface Active Agents	2843														Z		
Textile Products (no dyeing and finishing)	2200													Z	Z		
Textile Products (with dyeing and finishing)	2260														Z		
Tires and Inner Tubes	3011														Z		
Tobacco Products	2110													Z	Z		
Wood Containers	2440														Z		
Wood Products, Logging	2411														Z		
Wood Products, Miscellaneous	2490														Z		
<b>OTHER USES</b>																	
Advertising Signs (Billboards)	0000								S	S	Z	S	S	Z	Z		
Animal Shelter	0752				S									Z	Z		
Arts and Crafts Shows	0000							Z	Z	Z	Z	Z	Z	Z	Z		Z
Automobile Parking On Same Lot As Principal Use	0000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Carnivals and Fairs	7999							S	S	S	S			S	S		
Christmas Tree Sales	0000							Z	Z	Z	Z	Z		Z	Z		Z
Concerts, Stage Shows	7920							S	Z	Z	Z						
Conventions, Trade Shows	0000								Z		Z			Z			
Freight/Shipping Container (Storage)	0000													Z	Z		
Horse Shows	7999				D												
Outdoor Flea Markets	5932								Z								
Outdoor Fruit and Vegetable Markets	5431				Z				Z		Z						
Outdoor Religious Events	0000								Z		Z			Z	Z		
Sexually Oriented Business	0000										S						
Shopping Center	0000								C		C						C

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	Ref.	Zoning Districts															
Use Type	SIC	R-6	R-8	R-10	R-15	AD	RMH	CB	GB	O&I	HB	NB	CMU	I-1	I-2	PDR	PDM
<b>OTHER USES (CONT.)</b>																	
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)	0000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Temporary Emergency, Construction, and Repair Residence	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Turkey Shoots	0000				D												

Z = Use permitted by right

C = Requires Council Use Permit from City Council

D = Use permitted by right with development standards

S = Requires Special Use Permit from the Board of Adjustment

#### **9-3.4 Combination Uses**

- (A) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:
- (B) When a combination use consists of a single-family detached residential subdivision that is not a planned unit development and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

#### **9-3.5 Prohibited Uses**

Within certain overlay districts some uses are specifically prohibited. The following uses are prohibited in the overlay districts listed.

- (A) WCA Watershed Protection Overlay District: The following uses are prohibited:
  - (1) New landfills;
  - (2) New sites for land application of residuals; and
  - (3) New sites for land application of petroleum-contaminated soils.
- (B) WPA Watershed Protection Overlay District: The following uses are prohibited:
  - (1) No uses are prohibited.
- (C) FHO Flood Hazard Overlay District: The following uses are prohibited in designated floodways:
  - (1) Buildings, including manufactured homes; and
  - (2) Any use that would cause any increase in base flood levels.
- (D) AO Airport Overlay District:
  - (1) Zone 1: No residential development is permitted.
  - (2) Zones 2-4: Residential development that exceeds a maximum density of 1 dwelling unit per acre.
  - (3) Zones 5-7: Residential development that exceeds a maximum density of 2 dwelling units per acre.
- (E) HD Historic Overlay District:
  - (1) Multi-family dwellings including duplexes and triplexes within residentially-zoned historic districts.

#### **9-4 DENSITY AND DIMENSIONAL REQUIREMENTS**

Within the zoning districts as shown on the Official Zoning Map all of the following requirements shall be complied with:

#### **9-4.1 Residential Districts**

Density and Dimensional Requirements:

- (A) The density and dimensional requirements for the Residential Districts are found in Table 9-4-1.
- (B) Cluster Development:
  - (1) Cluster Option: Cluster development may be used in any zoning district which permits single-family uses if the tract to be developed is ten acres or larger in area and is served by a public sanitary sewer system.
  - (2) Development Standards: The objective of the cluster option is to place the single-family detached houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area. The total number of lots permissible within a cluster development shall not exceed the maximum number of lots allowed if the tract were subdivided into the size of lots required by Table 9-4-1.
    - (a) When cluster development is employed, all lot size and other dimensional requirements for single-family detached dwellings are decreased to comply with all requirements of a smaller lot zoning district as delineated in Table 9-4-2.

**Table 9-4-1 Table of Density and Dimensional Requirements  
Residential Districts**

	Districts					
	R-6	R-8	R-10	R-15	AD	RMH
Minimum Lot Size (Sq. Ft.)						
Single-Family Dwelling	6,000	8,000	10,000	15,000	6,000	6,000
Manufactured Home Lot	--	--	--	--	--	43,560
Manufactured Home Park	--	--	--	--	--	43,560
Two-Family Dwelling	9,000	12,000	--	--	9,000	9,000
1st Multi-family Dwelling Unit	43,560	--	--	--	6,000	--
Each Additional Multi-family Dwelling Unit	3,500	--	--	--	2,000	--
Permissible Nonresidential Use	6,000	8,000	10,000	25,000	6,000	6,000
Minimum Lot Width (Ft.)						
Single-Family Dwelling	50	65	65	90	50	50
Two-Family Dwelling	75	100	--	--	75	75
Multi-Family Dwelling	100	--	--	--	100	100
Permissible Nonresidential Use	100	100	100	100	100	100
Minimum Building Setback (Ft.)←						
Single-Family and Two Dwelling:						
Front Property Line	25	25	25	35	25	25
Side Property Line	7	7	7	10	7	7
Rear Property Line↑	25	25	25	25	25	25
Corner Yard	15	15	15	15	15	15
Multi-family Dwelling:						
Front Property Line	30	--	--	--	30	30
Side Property Line	30	--	--	--	30	30
Rear Property Line↑	30	--	--	--	30	30
Corner Yard	30	--	--	--	30	30
Permissible Nonresidential Use						
Front Property Line	30	30	30	40	30	30
Side Property Line	15	15	15	15	15	15
Rear Property Line↑	30	30	30	45	30	30
Corner Yard	15	15	15	15	15	15
Maximum Building Height						
All Permissible Uses	40	40	40	40	40	40
Maximum Lot Coverage	50%	--	--	--	30%	--
Minimum Lot Depth	150	--	--	--	--	--

- All building setbacks shall increase one foot for every foot in height in excess of forty feet.
- Through lots shall have two front property setbacks but no rear setback.

**Notes:** Setback distances shall be measured from the street right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback (see Section 9-6.3).



## 9-4 DENSITY AND DIMENSIONAL REQUIREMENTS

Within the zoning districts as shown on the Official Zoning Map all of the following requirements shall be complied with:

### 9-4.1 Residential Districts

Density and Dimensional Requirements:

- (A) The density and dimensional requirements for the Residential Districts are found in Table 9-4-1.
- (B) Cluster Development:
  - (1) Cluster Option: Cluster development may be used in any zoning district which permits single-family uses if the tract to be developed is ten acres or larger in area and is served by a public sanitary sewer system.
  - (2) Development Standards: The objective of the cluster option is to place the single-family detached houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area. The total number of lots permissible within a cluster development shall not exceed the maximum number of lots allowed if the tract were subdivided into the size of lots required by Table 9-4-1.
    - (a) When cluster development is employed, all lot size and other dimensional requirements for single-family detached dwellings are decreased to comply with all requirements of a smaller lot zoning district as delineated in Table 9-4-2.

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**Table 9-4-2**

**Cluster Development**

Zoning District of Proposed Cluster Development	Single-family Lots and Detached Dwellings in Cluster Developments Must Meet the Density and Dimensional Requirements of This District
R-15	R-10
R-10	R-8
R-8	R-6
R-6, AD, RMH	R-6 except that the minimum lot area may be decreased to 4,500 square feet

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- (b) The sum of those areas placed into common area as open space, or those areas dedicated as public open space in excess of any required dedication for such purposes, shall not be less than fifteen percent of the total area of the development.
    - (c) Common areas shall be located within the development to:
      - i) Preserve stands of trees, natural vegetation, lakes, steep slopes, historic sites or other significant features;
      - ii) Provide common green space in the development for aesthetic purposes and pedestrian use;
      - iii) Provide space for common recreation facilities and meeting places; or
      - iv) Provide buffering from adjacent land uses of higher intensity.
    - (d) Common area for open space shall be of usable dimensions and shall be accessible to all homeowners in the development by means of sidewalks or walking trails.
    - (e) Homeowners or property owners associations responsible for the maintenance and control of common access shall be established pursuant to Section 10-5.
    - (f) Any open space areas proposed for public dedication shall follow the applicable procedural requirements established by Elizabeth City.
  - (3) Cluster Development in Watershed Protection Overlay Districts: Cluster development within all watershed overlay protection districts is allowed provided that the provisions of Section 12-1.5 are met.
- (C) Zero Side Setback:
- (1) Zero Side Setback Option: Zero side setback development may be used in any district which permits single-family uses if the development contains ten or more contiguous lots and is served by a public sanitary sewer system.
  - (2) Development Standards:
    - (a) Setbacks of zero feet are permitted only where the lots on both of the affected lot lines are part of a zero side setback development.
    - (b) A wall and roof maintenance easement (five feet along one-story walls, ten feet along two-story walls) shall be provided on the opposite side of the zero setback lot line.
    - (c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.

#### **9-4.2 Nonresidential Districts**

- (A) Dimensional Requirements for Non-Residential Districts: Dimensional requirements for non-residential districts are shown in Table 9-4-3.
- (B) Whenever a greater building setback is required by the NC Building Code, such greater setback shall be applicable.
- (C) When cluster development is employed in nonresidential districts, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of the R-6 zoning district except that the minimum lot area may be decreased to 4,500 square feet.

**Table 9-4-3**  
**Table of Density and Dimensional Requirements**  
**Nonresidential Districts**

	Zoning District							
	O&I	CB	NB	GB	HB	CMU	I-1	I-2
Minimum Development Size (FT) <sup>1</sup>	--	--	--	--	--	--	--	--
Minimum Lot Width (FT)	60	0	60	75	100	100	150	75
Minimum Lot Depth (FT)	0	0	0	0	0	0	0	0
Building Setback (FT) <sup>2, 7</sup>								
Street Right-of-Way	0 <sup>6</sup>	0	20	20	50	25	35	40
Side Property Line <sup>3</sup>	0 <sup>6</sup>	0	0	0	0	25	20	15
Rear Property Line	0 <sup>6</sup>	0	0	15	15	25	20	15
Pasquotank River	0 <sup>6</sup>	--	--	--	--	15	-	-
Maximum Built-Up Area (%) <sup>1</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0 <sup>4</sup>	50	0 <sup>4</sup>	0 <sup>4</sup>
Maximum Building Height (Stories/FT) <sup>5</sup>	8	0 <sup>6</sup>	0 <sup>5</sup>	0 <sup>5</sup>	0 <sup>5</sup>	3	50'	0 <sup>5</sup>

<sup>1</sup> For property located within a watershed protection overlay district, see Section 12-1 for minimum lot area and built-upon area requirements.

<sup>2</sup> Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district and the property line setback applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to comply with the property line setback applicable to the adjoining residential lot.

<sup>3</sup> A corner lot shall be required to provide a street right-of-way setback along all side streets. Through lots shall have two street setbacks but no rear setback.

<sup>4</sup> If located outside of a watershed protection overlay district and if public water and sewer service is available, there is no maximum built-upon area requirement.

<sup>5</sup> No maximum building height. However, all building setbacks shall increase one foot for every foot in height between 50 feet and 80 feet. No additional setback is required for buildings greater than 80 feet in height.

<sup>6</sup> Setbacks are determined by the City Council. Building setbacks, including street, rear, and side yards, shall be 30' for multifamily uses within the Office & Institutional District (*Amended August 8, 2005*)

<sup>7</sup> A 50' building setback along the Halstead Boulevard Connector Road right-of-way is required for properties fronting along the Halstead Boulevard Connector Road zoned General Business District, (GB). (*Amended November 22, 2004*)

**Notes:**

1. Density requirements for all permitted residential units in the CB District shall be determined by City Council.
2. Setback distances shall be measured from the street right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback (see Section 9-6.3).
3. Whenever a greater building setback is required by the NC Building Code, such greater setback shall be applicable.

*Table 9-4.3, amended by City Council February 7<sup>th</sup>, 2000; September 11<sup>th</sup>, 2000; June 4<sup>th</sup>, 2001; May 7<sup>th</sup>, 2001, May 6<sup>th</sup>, 2002, November 22<sup>nd</sup>, 2004.*

## **9-5 ACCESSORY USES, BUILDINGS AND STRUCTURES**

Standards. The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses listed in Table 9-3-1 (Permitted Use Table) may have additional development requirements found in Section 11-4 (Development for Individual Uses).

### **9-5.1 Setback Requirements**

- (A) **Right-of-Way:**  
No encroachment in the right-of-way setback is permitted.
- (B) **Side and Rear:**  
If the gross floor area (GFA) of the accessory structure or building is less than six hundred square feet, the structure or building may be located five feet from a side or rear line. If the GFA is six hundred square feet or greater, it must meet the setback requirements of the principal building(s).
- (C) Water-dependent accessory structures such as piers, boathouses, docks, etc. are exempt from the setback requirements of subsection (B).
- (D) **Corner Yard:**  
Accessory structures of buildings shall be a minimum of fifteen (15) feet from the corner yard property line. *(Subsection (D) amended by City Council February 7<sup>th</sup>, 2000)*  
*(Subsection (A) amended November 2012).*

### **9-5.2 Location**

- (A) All Districts: Accessory structures and buildings shall not be located in front of the principal structure nor shall accessory structures encroach in the street building setback or right-of-way. *(Subsection (A) amended by Council November 2012)*
- (B) All Districts: No accessory structure or building except utility substations shall be erected in any easements.

### **9-5.3 Height**

The height of all accessory structures and buildings shall comply to the zoning district in which it is located.

### **9-5.4 Accessory Use Area**

Any non-residential accessory use in a residential zoning district shall not exceed twenty-five percent of any of the following measures: building volume, floor area, land area, or any other appropriate measure of usage.

### **9-5.5 Parking of Recreational Vehicles in Residential Areas**

The parking of recreational vehicles (RV's) in the driveways of residential dwellings shall be considered an accessory use but in no case shall such RV's be occupied as temporary or permanent dwellings.

### **9-5.6 Exception for Water-dependent Accessory Structures**

Water-dependent accessory structures are not required to conform to the setback requirements of Section 9-5.1.

## **9-6 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS**

### **9-6.1 Structures Permitted Above Height Limits**

Except as otherwise prohibited by this Ordinance, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

### **9-6.2 Prevailing Street Setback**

Where fifty percent or more of the lots in a recorded subdivision on the same side of the street as the lot in question are developed with less than the required street setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

### **9-6.3 Encroachments into Required Setbacks**

(A) Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is no interference with any sight area:

- (1) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
- (2) At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls;
- (3) Handicapped ramps.
- (4) Water-dependent structures.

(B) Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:

- (1) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line; and
- (2) Porches and decks may encroach into the required street and rear setbacks as follows:

Porch or Deck Type	Yard	Maximum Encroachment	Maximum Area
Covered or Uncovered	Street	3 feet	35 Sq. Ft.
Uncovered only	Rear	50% of setback	-

(C) Canopy Projections: Gas station and convenience store pump island canopies may be located in the street setback provided that no equipment or part of a canopy is located closer than fifteen feet to a street right-of-way line if the pump island is parallel to the street right-of-way or 50 feet if the pump island is perpendicular to the street right-of-way.



#### **9-6.4 Easement Encroachments**

- (A) **Utility Easements:** In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.
- (B) **Drainage Maintenance and Utility Easements:** Water-related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements with the approval of the utility provider having jurisdiction over the easement.
- (C) The repair and replacement of an encroachment structure damaged by the utility provider is the responsibility of the person(s) owning the encroachment structure.

#### **9-6.5 Setbacks from Thoroughfares**

Where proposed street alignments have been established, in accordance with an adopted Thoroughfare Plan, building setbacks shall be measured from the future right-of-way line of the proposed street.

#### **9-6.6 Setbacks from Private Streets**

Building setbacks from approved private streets shall be the same distance as specified in Table 9-4-1 or Table 9-4-3 but shall be measured from the private street right-of-way, private street easement, or the boundary line of the common area reserved for the private street.

#### **9-6.7 Setbacks on Flag Lots**

Flag Lots: Building setbacks shall be provided as illustrated in Figure 7. The 'flagpole' portion of this type of lot shall not be used to calculate building setbacks.

### **9-7 GENERAL LOT REQUIREMENTS**

#### **9-7.1 Principal Buildings Per Lot**

Every building hereafter erected or moved shall be located on a buildable lot; and in no case shall there be more than one principal residential building and its accessory buildings on a lot except as provided below.

- (A) **Nonresidential Group Development:** Two or more principal nonresidential buildings are permitted on a lot pursuant to a site plan approved by the Planning Commission, upon recommendation of the Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be separated at least twenty feet apart.
- (B) **Residential Group Development:** Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the Planning Commission, upon recommendation of the Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be separated at least twenty feet apart.
- (C) **Manufactured Home Park:** More than two principal buildings are permitted in a manufactured home park pursuant to a site plan approved in accordance with the provisions of Section 11-4.48.

- (D) **Two or More Single-family Dwellings on a Single Tract:** Two or more principal single-family residences are permitted on a single, unsubdivided tract pursuant to a site plan approved by the Zoning Administrator, provided that the tract contains sufficient lot area, lot width, and building setbacks for each dwelling. Location of the dwellings on the single tract shall be such that, in the event that the tract is subdivided, each dwelling unit will be situated on a free-standing lot that meets all of the dimensional requirements for the district in which located.

## 9-7.2 Street Access Requirements

- (A) **Access to Public Street Required:** Every lot shall abut and have direct access to a publicly maintained street, except as provided for in this Section. No building or structure shall be constructed, erected, or placed on a lot that does not abut and have direct access to a publicly maintained street, except as provided in this Section.
- (B) **Dead-End Streets:** For purposes of this Section the terminus of a dead-end street does not provide the required access to a publicly maintained street unless that terminus is a circular turnaround or other turnaround approved and constructed in conformance with Article X (Subdivisions: Procedures and Standards).
- (C) **Single-Family Detached Cluster Development:** Private streets may be used to meet access requirements for lots in single-family detached cluster developments and for single-family lots in planned unit developments, provided the development as a whole abuts and has direct access to a publicly maintained street.
- (D) **Townhouse Developments:** Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty-four feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with Planning Board approval.
- (E) **Manufacturing Home Park:** Manufactured home park lots or spaces developed in accordance with Section 11-4.48.
- (F) **Nonresidential Unified Development:** Individual parcels, whether leased or sold, in a unified development shall have shared rights of access along private streets and/or along private drives at least twenty-four feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.
- (G) **Exceptions:** Special-purpose lots may provide access via easement in accordance with Section 9-9 (Special Purpose Lots) and lots meeting the access requirements of Section 10-7.2 (F).

## 9-7.3 Unified Development

- (A) **Parking and Landscaping:** A nonresidential unified development shall be treated as a single lot for purposes of providing required off-street parking and required planting yards, even if outparcels for sale are included within the development.
  - (1) If the entire development meets the total off-street parking requirement, it is not required that each parcel provide all the required parking for the use thereon.

- (2) If required buffer yards are provided along the development perimeter, including street frontages, and requirements for parking lot planting are met, buffer yards are not required along property lines and lease lines between two parcels within the unified development.
- (B) **Plat and Notice Requirements:** If the owner of a development elects to organize it in an unified development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-street parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease function as a unified development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.
- (C) **Uniform Design Plan:** Exterior building materials, roof pitches, colors, awnings, signs, and outdoor lighting used in a unified development shall be coordinated so as to provide a uniform design scheme for the entire development. The uniform design plan shall be submitted for review at the time of site plan submission. The uniform design plan shall include drawings, specifications, dimensions, and maps.

## **9-8 LOT SIZE REDUCTION PROHIBITIONS**

### **9-8.1 Single Lot**

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

### **9-8.2 Buildable Lot**

Where two or more contiguous lots in one ownership collectively form a buildable lot, that lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased. An Instrument of Combination (or similar document or procedure) shall be prepared and recorded where two or more contiguous lots in one ownership collectively form a buildable lot.

### **9-8.3 Exemption**

These prohibitions shall not apply to county, municipal or state acquisition of land.

## **9-9 SPECIAL PURPOSE LOTS**

Requirements of this Article with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewer lift stations, and similar utility uses. Such lots shall comply with the requirements below.

### **9-9.1 Minimum Size**

The special purpose lot shall be permitted only after the Technical Review Committee has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, buffer yards.

### **9-9.2 Access Easement**

If the special purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of 20 feet shall be platted.

### **9-9.3 Platting**

The subdivision to create the lot shall be approved in accordance with Article X (Subdivisions: Procedures and Standards). The Final Plat shall label the lot as a 'Special Purpose Lot for use as \_\_\_\_\_.'

## **9-10 PLANNED UNIT DEVELOPMENTS**

### **9-10.1 Applicability**

A planned unit development is an area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Section. Planned unit developments are permitted only within PUD-PDR and PUD-PDM zoning districts.

### **9-10.2 Minimum Development Size**

No PUD-PDR district shall be approved for a site of less than 10 contiguous acres under unified ownership or control. No PUD-PDM district shall be approved for a site of less than 20 contiguous acres under unified ownership or control.

### **9-10.3 Permissible Uses**

#### **(A) Uses Allowed within a PUD-PDR District**

Permissible uses within a PUD-PDR district, as delineated in Table 9-3-1, include single-family detached dwellings, two-family dwellings, townhouse dwellings, multi-family dwellings, and accessory uses and structures plus selected recreational uses, educational and institutional uses, transportation and utilities uses, and other uses.

#### **(B) Uses Allowed within a PUD-PDM District**

Permissible uses within a PUD-PDM district, as delineated in Table 9-3-1, include all of the uses allowed in a PUD-PDR district plus selected business, professional, and personal services and retail trade uses.

### **9-10.4 Development Standards**

#### **(A) Dimensional Requirements**

- (1) Building setback and minimum lot width requirements are waived for planned unit developments except as required in subsection D.
- (2) There are no minimum building lot sizes in PUD districts. However, the average overall density for any planned unit development be approved by the City Council. Dwellings units may be distributed throughout the development, except as required in subsection D, as long as the average density is approved by the City Council.
- (3) Building height shall be approved by the City Council.
- (4) Accessory uses and buildings shall adhere to the requirements of Section 9-5.

**(B) Streets and Access**

- (1) Areas between structures shall include easements where necessary to preserve access and to provide for maintenance and utility service.
- (2) Primary vehicular access to commercial development shall not be through intervening residential development.
- (3) Local streets within a planned unit development shall be located and designed in accordance with the provisions of Section 10-7.3. A minimum pavement width of twenty feet may be approved for private streets.
- (4) The number of ingress and egress points needed to safely move vehicular traffic from the Planned Unit Development to the adjoining street(s) shall be determined by the Public Works Director.

**(C) Commercial Areas in PUD-PDM Districts**

- (1) Commercial areas within a PUD-PDM district shall be arranged to (i) separate pedestrian and vehicular traffic such that pedestrians can safely walk between businesses within the planned unit development and from parking areas to businesses and (ii) promote access from adjacent residential areas into commercial areas.
- (2) No more than 50 percent of the total land area in a PUD-PDM district may be occupied or used for commercial purposes.

**(D) Boundary Treatment**

- (1) The lots and structures located on the perimeter of the planned unit development shall be in harmony with the development on adjacent lands.
- (2) No commercial use with a PUD-PDM district shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of the approval of the planned unit development.

**(E) Signs**

- (1) The size, height, setback, location, design, illumination source, and number of signs shall be specified in the Unified Development Plan. All signs shall conform to the applicable requirements of Section 11-1.
- (2) All signs shall use a coordinated color, style, and lettering scheme.

**(F) Open Space and Common Recreational Facilities**

- (1) In a PUD district, open space is only that land dedicated to the public or designated by the Unified Development Plan for the use, benefit, and enjoyment of all residents of the planned unit development. Open space may be common area owned by an owner's association or open space dedicated to the public.
- (2) To qualify as open space, land shall be useable for recreational purposes or provide visual, aesthetic, or environmental amenities and may not be occupied by street rights-of-way, drives, parking areas or structures other than recreational structures.
- (3) (Reserved)
- (4) All property owners in the planned unit development shall have access to the

open space by means of a public or private street right-of-way or all-weather walkway in an easement that is a minimum of 20 feet in width.

- (5) The following amount of open space is required:
  - a. 2.5 acres per 100 dwelling units (or 0.025 acres per unit).
  - b. 10 percent of the gross land area for commercial uses.
- (6) Open space requirements may be reduced by the City Council upon recommendation of the Parks and Recreation Director.
- (7) Open space shall be provided within each phase of the planned unit development in sufficient amounts to serve the expected population of that phase.

## **9-10.5 Review and Approval Procedures**

### **(A) Rezoning to a PUD District**

A petition for rezoning to a PUD district shall include the following:

- (1) A rezoning application prepared in accordance with the requirements of Section 8-2.
- (2) A master site development plan that provides the following information:
  - a. The general location and amount of land proposed for single-family, multi-family, institutional, open space/recreation, commercial (PUD-PDM districts only), and street use. Phase lines, if any, shall also be shown.
  - b. The acreage devoted to each proposed use category, the number of dwelling units by unit type, and the gross floor area of commercial uses (PUD-PDM districts only).
  - c. The maximum height of buildings and structures.
  - d. The location and amount of land in flood hazard areas and any other lands not suitable for development.
- (3) Written documents which specify the following:
  - a. The amount of land proposed by use category and the amount of land in flood hazard areas and other lands not suitable for development.
  - b. The overall gross density (in dwelling units/acre) of the development and the specific density of each tract or area shown on the master site development plan.
  - c. Traffic generation data which shows trips to and from the development, within the development, and through the development on proposed collector or thoroughfare-level streets.

The rezoning request shall be reviewed in accordance with the procedures for map amendments as specified in Article VIII except that the master site development plan shall be reviewed by the Technical Review Committee prior to the rezoning petition being reviewed by the Planning Commission. Approval of the rezoning request establishes the maximum density and the use of each tract or area shown on the master site development plan. Any request for change in use or an increase in density shall be considered a change in zoning and shall be subject to all applicable procedures.

**(B) Unified Development Plan**

- (1) After approval of a rezoning request to a PUD district, the applicant may submit a Unified Development Plan. The Unified Development Plan shall contain the following materials:
  - a. The approved master site development plan.
  - b. Land use, density, and traffic data specified in Section 9-10.5 (A) (3).
  - c. Preliminary plat(s) for the first phase(s) of development prepared in accordance with the requirements of Section 10-3.3.
  - d. Common sign plan.
  - e. Documents which specify proposed setbacks or other regulations governing building placement on the land, height restrictions, architectural controls, and other information which the Zoning Administrator may deem pertinent to the Unified Development Plan Approval.
- (2) The Unified Development Plan shall be reviewed and approved in accordance with the procedures for preliminary plats as outlined in Section 10-3.3. Following approval of the Unified Development Plan, final subdivision plats may be prepared and shall be reviewed and approved in accordance with the requirements of Section 10-3.4. The Unified Development, final subdivision plats, and documents specified in (B) (1) e. shall be recorded within 60 days of approval. No building or structure may be erected, nor a building permit issued, nor any lots sold unless such building, structure, permit conforms to the Unified Development Plan and final subdivision plats.
- (3) Planned unit developments may be developed in phases provided that the following requirements are met:
  - a. All phases are shown on the Unified Development Plan.
  - b. All data required for the project as a whole is given for each phase shown of the Unified Development Plan.
  - c. A proportionate share of the project's open space and common facilities is included in each phase of the development.
  - d. The phasing is consistent with the traffic circulation, drainage, and utilities plans for the entire planned unit development.
- (4) If an approved Unified Development Plan includes phasing provisions, no final plat for a phase of a planned unit development shall be approved unless all open space and common facilities included in previous phases are substantially complete. No final plat for a phase of a planned unit development shall be approved if there is any uncorrected violation of the Unified Development Plan, preliminary plat, final plat, or this Ordinance in any previous phase.
- (5) After approval of a Unified Development Plan, no final plat shall be recorded until the owners association documents prepared in accordance with Section 10-4 are recorded with the County Register of Deeds Office.

## ARTICLE IX ZONING 9-1

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